

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Nick DiModica,

Civil No. 06-522 (RHK/RLE)

Petitioner,

**ORDER**

vs.

Carol Holinka, Warden,  
and Harley G. Lappin,  
Director,<sup>1</sup>

Respondents.

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Based upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-entitled matter, it is **ORDERED**:

1. The Report and Recommendation (Doc. No. 17) is **ADOPTED**; and
2. The Petition for a Writ of Habeas Corpus (Doc. No. 1) is **DISMISSED WITH PREJUDICE**.

Dated: April 6, 2007

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge

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<sup>1</sup>The Petitioner named Kathleen Hawk, Director (“Hawk”), as a Respondent in his initial Petition. However, pursuant to Rule 25(d)(1), Federal Rules of Civil Procedure, Harley G. Lappin, who was named the Director of the Bureau of Prisons (“BOP”) on April 4, 2003, is automatically substituted for Hawk as a named Respondent.